

DIVISION 100

GENERAL PROVISIONS

SECTION 101

DEFINITION OF TERMS

101.1-ABBREVIATIONS:

Whenever the following abbreviations are used in these Specifications, Plans or Contract Documents, they are to be construed the same as the respective expressions represented:

AAN — American Association of Nurserymen
 AAR — Association of American Railroads
 AASHTO — American Association of State Highway and Transportation Officials
 AIA — American Institute of Architects
 AISC — American Institute of Steel Construction, Incorporated
 AISI — American Iron and Steel Institute
 AMA — Automotive Manufacturer's Association
 AMS — Aerospace Material Specification
 ANSI — American National Standards Institute
 ARA — American Railway Association
 AREA — American Railway Engineering Association
 ASCE — American Society of Civil Engineers
 ASD — Aluminum Standards & Data-Aluminum Association
 ASLA — American Society of Landscape Architects
 ASTM — American Society for Testing and Materials
 AWWA — American Water Works Association
 AWS — American Welding Society
 FHWA — Federal Highway Administration
 FSS — Federal Specifications and Standards, General Services Administration
 IEEE — Institute of Electronic and Electrical Engineers
 IPCEA — Insulated Power Cable Engineers Association
 ISA — Instrument Society of America
 MIL — Military Specification
 MP — Materials Procedure (see 101.50 for definition)
 NBFU — National Board of Fire Underwriters
 NEC — National Electric Code
 NEMA — National Electrical Manufacturer's Association
 PEI -ALS — Porcelain Enamel Institute: Aluminum Standards
 UL — Underwriters Laboratories
 SAE — Society of Automotive Engineers
 SSPC — Society for Protective Coatings
 TTE -TTP — Federal Specifications and Standards

101.2

101.2-ACCESS CONNECTION:

Any roadway facility by means of which vehicles enter or leave arterial highways.

101.3-ADVERTISEMENTS:

The public announcement, as required by law, inviting bids for work to be performed, or material to be furnished.

101.4-ARTERIAL HIGHWAY:

A general term denoting a highway primarily for through traffic.

101.5-AUXILIARY LANE:

The portion of the roadway adjoining the traveled way for parking, speed-change or other purposes supplementary to through traffic movement.

101.6-AWARD:

The acceptance by the Division of a bid.

101.7-BASE COURSE:

A layer or layers of specified material of designated thickness placed on a subbase or a subgrade to support a surface course or courses.

101.8-BIDDER:

An individual, firm, corporation, or combination thereof, acting directly or through a duly authorized representative, and prequalified according to the requirements and provisions of the Division, submitting a bid for the proposed work.

101.9-BRIDGE:

A structure, including supports, erected over a depression or an obstruction, such as water, a highway or railway and having a track or passageway for carrying traffic or other moving loads and having a length measured along the center of roadway of more than 20 ft. (6.1 meters) between undercopings of abutments or extreme ends of openings for multiple boxes.

The length of a bridge structure is the overall length measured along the line of survey stationing back to back of abutments if present, otherwise, end to end of the bridge floor, but in no case less than the total clear opening of the structure. Roadway width is the clear width measured at right angles to the longitudinal centerline of the bridge between the bottom of curbs.

101.10-CALENDAR DAY:

Every day shown on the calendar.

101.11-CERTIFIED TECHNICIAN:

A Certified Technician is an individual who has been examined by the joint Industry-Division Certification Board and deemed competent in the particular

technical field for which the individual has been examined. This competency is documented by written notification and issuance of a certificate to the individual and remains in effect for a given period of time as determined by the regulations of the Board. Should any questions develop concerning the status of an individual, verification may be made through the Training section of the Personnel Division of the Division.

101.12-CHANGE ORDER:

A general term referring to force account work orders, supplemental agreements, and work orders of the Contract.

101.13-CHANNEL:

A natural or artificial water course.

101.14-CITY, TOWN OR DISTRICT:

A subdivision of the county used to designate or identify the location of the proposed work.

101.15-COMMISSIONER:

West Virginia Commissioner of Highways.

101.16-CONSTRUCTION LIMITS:

The physical limits of construction as described by designated lines drawn on the Plans.

101.17-CONTRACT:

The written agreement between the Division and the Contractor covering the performance of the work, the furnishing of labor, equipment and materials, and the basis of payment. The Contract includes the invitation of bids, proposal, contract form, contract bond, specifications, supplemental specifications, special provisions, plans, notice to proceed, any change orders and supplemental agreements that are required to complete the construction of the work in an acceptable manner, including authorized extensions thereof, all of which constitute one instrument.

101.18-CONTRACT BOND:

The approved form of security, executed by the Contractor and their surety, guaranteeing completion of the work and payment of all legal debts pertaining to the construction of the project.

101.19-CONTRACT PERIOD:

The period from the specified date of commencement of work to the specified date of completion of the work, both dates inclusive, as is specified in the Contract.

101.20**101.20-CONTRACT TIME:**

The number of work or calendar days specified in the proposal, indicating the time allowed for the completion of the work contemplated, including authorized time extensions. In case a calendar date of completion is specified in the proposal, the work shall be complete by that date or any approved extensions thereof.

101.21-CONTRACTOR:

The individual, firm or corporation, party of the second part to the Contract, acting directly or through their agents, employees, or subcontractors.

101.22-CONTROL OF ACCESS, FULL:

The condition where the right of owners or occupants of abutting land or other persons to access, light, air or view in connection with a highway is fully controlled by public authority. The authority to control access is exercised to give preference to through traffic by providing access connections with selected public roads only and by prohibiting crossings at grade or direct driveway connections.

101.23-CONTROL OF ACCESS, PARTIAL:

The condition where the right of owners or occupants of abutting land or other persons to access, light, air or view in connection with a highway is partially controlled by public authority. The authority to control access is exercised to give preference to through traffic to a degree that, in addition to access connections with selected public roads, there may be some crossings at grade and some private driveway connections.

101.24-COUNTY:

The County or Counties of West Virginia in which the work is to be done.

101.25-CULVERT:

Any structure not classified as a bridge which provides an opening under the roadway.

101.26-DEPARTMENT:

West Virginia Department of Transportation.

101.26.1 - Division: West Virginia Division of Highways

101.27-DIVIDED HIGHWAY:

A highway with separated roadways for traffic in opposite directions.

101.28-EASEMENT:

A right acquired by one party to use land belonging to another party for a specified purpose.

101.29-EMBANKMENT:

The structure of soils, soils aggregate and broken rock between the embankment foundation and the subgrade.

101.30-EMBANKMENT FOUNDATION:

The material below the original ground surface whose physical characteristics affect the support of the embankment.

101.31-EMPLOYEE:

Any person working on behalf of the project who is under the direction of the Contractor or any subcontractor.

101.32-ENGINEER:

The State Highway Engineer of the Division, or an authorized representative, limited by the scope of duties assigned.

101.33-EQUIPMENT:

All machinery and equipment, together with the necessary supplies for upkeep and maintenance, and also tools and apparatus necessary for the proper construction and acceptable completion of the work.

101.34-ESTIMATES:

The official written itemization of the value of materials in place and work performed.

101.35-EXPRESSWAY:

A divided arterial highway for through traffic with full or partial control of access and generally with grade separations at intersections.

101.36-EXTRA WORK:

An item of work not provided for in the contract as awarded, but found essential to the satisfactory completion of the Contract within its intended scope. See further [104.3](#).

101.37-FORCE ACCOUNT WORK ORDER:

An order signed by the Engineer or an authorized representative, directing additional work to be performed, with payments based on labor, materials used, equipment cost, plus specified percentages.

101.38-FREEWAY:

An expressway with full control of access.

101.39-FRONTAGE STREET OR ROAD:

A local street or road auxiliary to and located on the side of an arterial highway for service to abutting property and adjacent areas, and for control of access.

101.40**101.40-HIGHWAY:**

The entire improvement comprising the entire right-of-way. See [101.70](#).

101.41-HIGHWAY GRADE SEPARATION:

Any structure carrying highway or street traffic over or under another highway or street.

101.42-HOLIDAYS:

Official holidays are New Year's Day, Martin Luther King, Jr. Day, Lincoln's Birthday, Washington's Birthday, Memorial Day, West Virginia Day, Independence Day, Labor Day, Columbus Day, Veteran's Day, Thanksgiving Day, Christmas Day, and any day in which an election (Primary or General) is held through the State and such other days as the President, Governor, or other duly constituted authority shall proclaim to be holidays. If a holiday falls of Sunday, the following Monday shall be observed in lieu thereof. If a holiday falls on a Saturday, the previous Friday shall be observed in lieu thereof.

101.43-INSPECTOR:

The Engineer's authorized representative assigned to make any or all necessary inspection of the work as further described in [105.10](#).

101.44-INSTRUCTIONS TO BIDDERS:

The notice to Contractors containing all necessary information as to provisions, requirements, date and time of submitting Proposals.

101.45-INVITATION FOR BIDS:

The advertisement for bids, as required by law, inviting bids for work to be performed or material to be furnished.

101.46-ITEM:

A specifically described unit of work for which a price is provided in the contract.

101.47-LABORATORY:

The testing laboratories of the Division or any other testing laboratory designated by the Division.

101.48-LOT:

A lot is an isolated quantity of specified material from a single source or a measured amount of specified construction assumed to be produced by the same process.

101.49-MATERIALS:

Any substances specified for use in the construction of the project and its appurtenances.

101.50-MATERIALS PROCEDURE:

A procedure defining standard methods or guidelines for the inspection, sampling, testing, evaluation, and documentation of the Material's Division activities relative to the quality assurance program for materials, products, and processes. Each Materials Procedure is identified by the letters MP followed by seven digits, (i.e. MP XXX.XX.XX).

101.51-MEDIAN:

The portion of a divided highway separating the traveled ways for traffic in opposite directions.

101.52-MEDIAN LANE:

A speed-change lane within the median to accommodate left-turning vehicles.

101.53-MULTIPLE DEFICIENCY:

A multiple deficiency is defined as a failure to meet specified requirements involving more than one characteristic of a material within the same lot.

101.54-NOTICE TO PROCEED:

Written notice to the Contractor to proceed with the contract work including, when applicable, the date of beginning of contract time.

101.55-PARKING LANE:

An auxiliary lane primarily for the purpose of vehicular parking.

101.56-PARKWAY:

An arterial highway for non-commercial traffic, with full or partial control of access, and usually located within a park or a ribbon of parklike development.

101.57-PAVEMENT STRUCTURE:

The combination of subbase, base course, and surface course placed on a subgrade to support the traffic load and distribute it to the roadbed.

101.58-PLANS:

The approved Plans, profiles, typical cross sections, working drawings, standard drawings, and supplemental drawings, or exact reproductions thereof, which show the location, character, dimensions and details of the work to be done.

101.59-PRE-CONSTRUCTION CONFERENCE:

A conference normally called by the District Engineer, following award and prior to start of construction, to be attended by Division officials and by the responsible officials of the Contractor and other affected parties.

101.60**101.60-PRE-QUALIFICATION STATEMENT:**

The approved form or forms upon which Contractors shall furnish information as to their ability to perform work, their experience, personnel, equipment and financial condition.

101.61-PROFILE GRADE:

The trace of a vertical plane intersecting the top surface of the proposed wearing surface, usually along the longitudinal centerline of the roadway. Profile grade means either elevation or gradient of such trace according to the context.

101.62-PROJECT:

The specific section of the highway, together with all appurtenances and construction to be performed, under the Contract.

101.63-PROJECT ENGINEER OR PROJECT SUPERVISOR:

The representative of the Engineer on a project. See further [105.9](#).

101.64-PROPOSAL:

The offer of a bidder, on the prescribed form, to perform the work and to furnish the labor and material at the prices quoted.

101.65-PROPOSAL FORM:

The approved form on which the Division requires a bid to be prepared and submitted for the work.

101.66-PROPOSAL GUARANTY:

The security furnished with a bid to guarantee that the bidder will enter into the Contract if their bid is accepted.

101.67-RAILWAY-HIGHWAY SEPARATION:

Any structure carrying highway traffic over or under the tracks of any railway.

101.68-RAMP:

A connecting roadway between two intersecting highways, usually at a highway grade separation.

101.69-RIGHT-OF-WAY:

A general term denoting land, property, or interest, usually in a strip, acquired for or devoted to a highway.

101.70-ROAD:

A general term denoting a public way for purposes of vehicular travel, including the entire area within the right-of-way, or needed for the maintenance of travel. See West Virginia Code, Chapter 17, Article 1, Section 3.

101.71-ROADBED:

The grade portion of a highway, within top and side slopes, prepared as a foundation for the pavement structure and shoulders.

101.72-ROADSIDE:

A general term denoting the area adjoining the outer edge of the roadway. Extensive areas between the roadways of a divided highway may also be considered roadside.

101.73-ROADSIDE DEVELOPMENT:

Those items necessary to the complete highway which provide for the preservation of landscape materials and features; the rehabilitation and protection against erosion of all areas disturbed by construction through seeding, sodding, mulching and the placing of other ground covers; such suitable planting and other improvements as may increase the effectiveness and enhance the appearance of the highway.

101.74-ROADWAY:

The portion of the highway within limits of construction.

101.75-SEASONAL RESTRICTIONS:

Limitations imposed on the work which prohibit the Contractor from performing certain types of work during specific seasons of the year.

101.76-SHOULDERS:

The portion of the roadway contiguous with the traveled way for accommodation of stopped vehicles, for emergency use, and for lateral support of base and surface courses.

101.77-SIDEWALK:

That portion of the roadway primarily intended for the use of pedestrians.

101.78-SINGLE DEFICIENCY:

A single deficiency is defined as a failure to meet specified requirements involving one characteristic of a material.

101.79-SPECIAL PROVISIONS:

Additions and revisions to the Standard and Supplemental Specifications covering conditions peculiar to an individual project.

101.80-SPECIFICATIONS:

101.81

A general term applied to all directions, provisions, and requirements pertaining to performance of the work.

101.81-STATE:

The State of West Virginia.

101.82-STREET:

A general term denoting a public way for purposes of vehicular travel, including the entire area within the right-of-way.

101.83-STRUCTURES:

Bridges, culverts, catch basins, drop inlets, retaining walls, cribbing, manholes, endwalls, buildings, sewers, service pipes, underdrains, foundation drains, and other features which may be encountered in the work and not otherwise classed.

101.84-SUBBASE:

The layer or layers of specified or selected materials of designed thickness placed on a subgrade to support a base course.

101.85-SUBCONTRACTOR:

An individual, firm, or corporation to whom the Contractor sublets part of the Contract.

101.86-SUBGRADE:

The upper portion of a roadbed upon which the pavement structure and shoulders are constructed.

101.87-SUBSTRUCTURE:

All that part of the structure below the bearings of simple and continuous spans, skewbacks of arches and tops of footings of rigid frames, together with the backwalls, wingwalls, and wing protection railings.

101.88-SUPERINTENDENT:

The Contractor's authorized representative in responsible charge of the work.

101.89-SUPERSTRUCTURE:

The entire structure except the substructure.

101.90-SUPPLEMENTAL AGREEMENT:

A modification of the Contract covering changes in the Plans or quantities, or both, and establishing the basis of payment and time adjustment for the work necessitated by reason of the modification, requiring the signature of the Commissioner, the Contractor, and the Surety, or their authorized representatives.

101.91-SUPPLEMENTAL SPECIFICATIONS:

Additions to and revisions of the Standard Specifications that are approved

subsequent to issuance of the printed book. Supplemental Specifications prevail over Standard Specifications when in conflict therewith.

101.92-SURETY:

The corporation, partnership, or individual, other than the Contractor, executing a bond furnished by the Contractor.

101.93-TEMPORARY STRUCTURE:

A structure required for the use of traffic or other purpose while construction is in progress and not to be retained as a part of the improvement.

101.94-TITLES:

The titles or headings of the sections and subsections are intended for convenience of reference and shall not be considered as having any bearing on their interpretation except those titles and headings used in conjunction with the definition of terms.

101.95-TRAFFIC LANE:

The portion of the roadway for the movement of a single line of vehicles.

101.96-TRAVELED WAY:

The portion of the roadway for the movement of vehicles, exclusive of shoulders and auxiliary lanes.

101.97-WORK:

Work shall mean the furnishing of all labor, materials, equipment, and other incidentals necessary or convenient to the successful completion of the project and the carrying out of all duties and obligations imposed by the contract.

101.98-WORKING DAY:

Every day shown on the calendar, exclusive of Saturdays, Sundays, and Holidays as set forth in [101.42](#), on which weather and other conditions not under the control of the Contractor will permit construction operations to proceed for a minimum of five hours with normal working forces engaged in performing the controlling item or items of work.

101.99-WORKING DRAWINGS:

Stress sheets, shop drawings, erection plans, falsework plans, framework plans, cofferdam plans, bending diagrams for reinforcing steel, or any other supplemental plans or similar data which the Contractor is required to submit to the Engineer for approval.

101.100

101.100-WORK ORDER:

A written order, signed by the Engineer, requiring certain performance by the Contractor without negotiation. Such order shall not change quantities of major items beyond the 25 percent limitations, shall not create new items, nor make revisions to item prices.

101.101-INTERPRETATIONS:

In order to avoid cumbersome and confusing repetition of expressions in these Specifications, it is provided that whenever anything is, or is to be done, if, as, or, when, or where "contemplated, required, determined, directed, specified, authorized, ordered, given, designated, indicated, considered necessary, deemed necessary, permitted, reserved, suspended, established, approval, approved, disapproved, acceptable, unacceptable, suitable, accepted, satisfactory, unsatisfactory, sufficient, insufficient, rejected, or condemned," it shall be understood as if the expression were followed by the words "by the Engineer" or "to the Engineer".

SECTION 102

BIDDING REQUIREMENTS AND CONDITIONS

102.1-PREQUALIFICATION OF BIDDERS:

All bidders on projects let to contract by the Division shall be prequalified as provided for by rules or regulations, or both, of the Commissioner. A Certificate of Qualification will be issued by the Commissioner fixing the amount of incomplete work a Contractor may have under contract at any one time and the type of work for which the Contractor is qualified.

To obtain a Certificate of Qualification, the Contractor must file a "Contractor's Prequalification Statement" containing the information as required based on the category of work for which prequalification is being requested.

Application for qualification will be accepted by the Commissioner until 15 calendar days prior to the date set for receiving bids on projects on which the applicant may wish to submit a Proposal. Award of a certificate may be held in abeyance until such time as the Commissioner is able to verify all references and be satisfied as to the applicant's qualifications.

No Contractor will be issued a Certificate of Qualification until the Division has had adequate time to review and verify the adequacy of the information provided in the "Contractor's Prequalification Statement".

102.2-CONTENTS OF PROPOSAL FORMS:

The proposal forms will show the location and description of the proposed work, the approximate estimates of the various quantities of work to be performed for materials to be furnished, the amount of the proposal guaranty, the number of working days or date on which the work is to be completed, and the date, time and place of opening of proposals. The form will also include any special provisions or requirements not contained in the Standard